

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:
*Cleveland Bakers and Teamsters Health and
Welfare Fund v. Purdue Pharma L.P.*,
No. 18-op-45432

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**MANUFACTURER DEFENDANTS' JOINT
MOTION TO DISMISS THE AMENDED COMPLAINT**

The manufacturer defendants¹ respectfully move under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims asserted against them in the amended complaint for failure to state a claim upon which relief can be granted. A memorandum in support of this motion is attached. The manufacturer defendants respectfully ask the Court to grant their motion in its entirety, dismiss all claims against them with prejudice, and grant any other relief the Court deems just or proper.

¹ This motion incorporates the definition of “manufacturer defendants” set forth in *Summit MTD* at 1 n.2 [Dkt. 499-1, PageID #7656], plus Par Pharmaceutical, Inc.; Par Pharmaceutical Companies, Inc.; and SpecGx LLC. Defendant Noramco, Inc., a company referenced in the amended complaint as a former affiliate of Johnson & Johnson, *see* 1AC ¶52, joins this motion to the extent applicable. Noramco does not (and did not at all material times relevant hereto) manufacture, package, brand, market, distribute, or sell the finished drug products at issue in this litigation, and it reserves all rights and defenses specific to it. Also, although the arguments raised here apply equally to Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc, these parties do *not* join this motion for the reasons stated in *Summit MTD* at 1 n.2.

Dated: July 23, 2018

Respectfully submitted,

/s/ Donna M. Welch

Donna M. Welch, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle, Chicago, IL 60654
Tel: (312) 862-2000
donna.welch@kirkland.com

*Attorney for Defendant Allergan Finance, LLC
f/k/a/ Actavis, Inc. f/k/a Watson
Pharmaceuticals, Inc.*

/s/ Steven A. Reed (consent)

Steven A. Reed
Eric W. Sitarchuk
Rebecca J. Hillyer
MORGAN, LEWIS & BOCKIUS LLP
1701 Market St.
Philadelphia, PA 19103-2921
Tel: (215) 963-5603
steven.reed@morganlewis.com
eric.sitarchuk@morganlewis.com
rebecca.hillyer@morganlewis.com

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS LLP
200 S. Biscayne Blvd., Suite 5300
Miami, FL 33131-2339
Tel: (305) 415-3000
brian.ercole@morganlewis.com

*Attorneys for Teva Pharmaceuticals, USA,
Inc.; Cephalon, Inc.; Watson Laboratories,
Inc.; Actavis LLC; and Actavis Pharma, Inc.
f/k/a Watson Pharma, Inc.*

/s/ Mark S. Cheffo (consent)

Mark S. Cheffo
Sheila L. Birnbaum
Hayden A. Coleman
DECHERT LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Tel: (212) 698-3500
Mark.Cheffo@dechert.com
Sheila.Birnbaum@dechert.com
Hayden.Coleman@dechert.com

*Attorneys for Defendants Purdue Pharma L.P.;
Purdue Pharma Inc.; and The Purdue
Frederick Company*

/s/ Charles C. Lifland (consent)

Charles C. Lifland
Sabrina H. Strong
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
clifland@omm.com
sstrong@omm.com

Daniel M. Petrocelli
O'MELVENY & MYERS LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067
Telephone: (310) 553-6700
Facsimile: (310) 246-6779
dpetrocelli@omm.com

*Attorneys for Defendants Janssen
Pharmaceuticals, Inc.; Johnson & Johnson;
Janssen Pharmaceutica, Inc. n/k/a Janssen
Pharmaceuticals, Inc.; and Ortho-McNeil-
Janssen Pharmaceuticals, Inc. n/k/a Janssen
Pharmaceuticals, Inc.*

/s/ Jonathan L. Stern (consent)

Jonathan L. Stern
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave. NW
Washington, DC 20001
Tel: (202) 942-5000
jonathan.stern@arnoldporter.com

Sean O. Morris
Arnold & Porter Kaye Scholer LLP
777 S. Figueroa St., Suite 4400
Los Angeles, CA 90017
Tel: (213) 243-4000
sean.morris@arnoldporter.com

*Attorneys for Defendants Endo Health
Solutions Inc.; Endo Pharmaceuticals Inc.;
Par Pharmaceutical, Inc.; and Par
Pharmaceuticals Companies, Inc.*

/s/ Brien T. O'Connor (consent)

Brien T. O'Connor
Andrew J. O'Connor
ROPES & GRAY LLP
Prudential Tower
800 Boylston St.
Boston, MA 02199-3600
Tel: (617) 235-4650
Brien.O'Connor@ropesgray.com
Andrew.O'Connor@ropesgray.com

*Attorneys for Defendants Mallinckrodt LLC
and SpecGx LLC*

/s/ Eric H. Zagrans (consent)

Eric H. Zagrans (0013108)
ZAGRANS LAW FIRM LLC
6100 Oak Tree Boulevard, Suite 200
Cleveland, Ohio 44131
Tel: (216) 771-1000
eric@zagrans.com

J. Matthew Donohue
Joseph L. Franco
HOLLAND & KNIGHT LLP
2300 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, OR 97204
Tel: (503) 243-2300
matt.donohue@hklaw.com
joe.franco@hklaw.com

Nicholas A. Sarokhanian
HOLLAND & KNIGHT LLP
200 Crescent Court, Suite 1600
Dallas, TX 75201
Tel: 214.964.9500
nicholas.sarokhanian@hklaw.com

Attorneys for Insys Therapeutics, Inc.